

BUREAU OF LAND MANAGEMENT WITHDRAWN MILITARY
LANDS EFFICIENCY AND SAVINGS ACT

DECEMBER 12, 2014.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4253]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4253) to permanently withdraw, reserve, and transfer Bureau of Land Management lands used for military purposes in Alaska, Nevada, and New Mexico to the appropriate Secretary of the military department concerned, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4253 is to permanently withdraw, reserve, and transfer Bureau of Land Management lands used for military purposes in Alaska, Nevada, and New Mexico to the appropriate Secretary of the military department concerned.

BACKGROUND AND NEED FOR LEGISLATION

The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) included the Military Lands Withdrawal Act of 1999, which withdrew and reserved approximately 4.6 million acres of Bureau of Land Management (BLM) lands in Alaska, Nevada and New Mexico for use or continued use as military testing and training ranges. The lands for the ranges at Naval Air Station

Fallon (approximately 204,953 acres) and the Nevada Test and Training Range at Nellis Air Force Base (approximately 2.9 million acres) in Nevada were withdrawn for a period of 20 years, expiring on November 6, 2021. The lands for the training ranges at Fort Greely and Fort Wainright, Alaska (approximately 869,862 acres) and the McGregor Range at Fort Bliss, New Mexico (approximately 608,385 acres) were withdrawn for a period of 25 years, expiring on November 6, 2026.

Under the 1999 Act, the military is required to notify Congress three years in advance of the expiration if it will have a continued need for the lands, which long-term planning indicates is the case for these areas. This begins an extensive, lengthy, time-consuming, and costly process for the military and the BLM for the military to continue the status quo use of these lands. In addressing a number of withdrawals in the first session of the 113th Congress, two smaller withdrawal renewal proposals in California created unnecessary uncertainty regarding mission continuity and lingering questions about the actual value of establishing withdrawals durations of 25 years or less, especially with a cost of nearly \$2 million per exchange. Furthermore, under a base realignment and closure situation, the BLM would have an opportunity to reacquire the affected acreage.

H.R. 4253 repeals the current 20–25 year withdrawals found in Section 3015 in the National Defense Authorization Act for Fiscal Year 2000 that affects the approximately 4.6 million acres of BLM lands currently withdrawn for military use until such time as they can be administratively transferred to the Secretary of the military department concerned. It will also repeal Section 3016 of that Act that outlines the procedures for extending the initial withdrawal and reservation or a potential relinquishment. H.R. 4235 will save the American taxpayers millions of dollars and prevent the unnecessary waste of time, resources and people tasked with navigating these hurdles to achieve the status quo use/management of the withdrawn and reserved lands.

COMMITTEE ACTION

H.R. 4253 was introduced on March 14, 2014, by Congressman Rob Bishop (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. The bill was also referred to the Committee on Armed Services. On March 25, 2014, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On April 9, 2014, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. No amendments were offered and the bill was adopted and ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 21 to 10, as follows:

COMMITTEE ON NATURAL RESOURCES
HOUSE OF REPRESENTATIVES
113TH CONGRESS

Date: April 9, 2014. Recorded Vote #: 1

Meeting on/Amendment on: H.R. 4253—To report, adopted and favorably reported to the House of Representatives by a roll call vote of 21 yeas and 10 nays.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman	X			Mr. Duncan of SC	X		
Mr. DeFazio, OR, Ranking		X		Mr. Cárdenas, CA			
Mr. Young, AK				Mr. Tipton, CO	X		
Mr. Faleomavaega, AS				Mr. Huffman, CA		X	
Mr. Gohmert, TX	X			Mr. Gosar, AZ	X		
Mr. Pallone, NJ		X		Mr. Ruiz, CA			
Mr. Bishop, UT	X			Mr. Labrador, ID	X		
Mrs. Napolitano, CA				Ms. Shea-Porter, NH		X	
Mr. Lamborn, CO				Mr. Southerland, FL			
Mr. Holt, NJ		X		Mr. Lowenthal, CA			
Mr. Wittman, VA	X			Mr. Flores, TX			
Mr. Grijalva, AZ				Mr. Garcia, FL		X	
Mr. Broun, GA	X			Mr. Runyan, NJ			
Ms. Bordallo, GU		X		Mr. Cartwright, PA		X	
Mr. Fleming, LA	X			Mr. Mullin, OK	X		
Mr. Costa, CA	X			Ms. Clark, MA		X	
Mr. McClintock, CA	X			Mr. Daines, MT	X		
Mr. Sablan, CNMI				Mr. Cramer, ND	X		
Mr. Thompson, PA	X			Mr. LaMalfa, CA	X		
Ms. Tsongas, MA				Mr. Smith, MO	X		
Mrs. Lummis, WY	X			Mr. McAllister, LA			
Mr. Pierluisi, PR		X		Mr. Byrne, AL	X		
Mr. Benishek, MI	X			Vacancy			
Ms. Hanabusa, HI							
				Totals	21	10	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4253—Bureau of Land Management Withdrawn Military Lands Efficiency and Savings Act

H.R. 4253 would permanently withdraw 4.6 million acres of Bureau of Land Management (BLM) lands from the operation of certain public land laws, including laws that authorize mineral development and grazing on such lands. Based on information provided by BLM, CBO estimates that implementing the legislation would have no effect on the federal budget. Because enacting the bill would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

The affected lands are currently withdrawn for military uses. Those withdrawals will expire in 2021 for 3.1 million acres of the affected lands and 2026 for the remaining 1.5 million acres. Under the bill, those expiration dates would be eliminated and the land would remain withdrawn for military use indefinitely. Because CBO expects that, under current law, none of the affected lands will generate offsetting receipts over the next 10 years, we estimate that enacting the bill would not affect the federal budget over that period.

H.R. 4253 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by BLM, CBO estimates that implementing the legislation would have no effect on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to permanently withdraw, reserve, and transfer Bureau of Land Management lands used for military purposes in Alaska, Nevada, and New Mexico to the appropriate Secretary of the military department concerned.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

MILITARY LANDS WITHDRAWAL ACT OF 1999

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DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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TITLE XXX—MILITARY LAND WITHDRAWALS

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Subtitle A—Withdrawals Generally

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SEC. 3015. DURATION OF WITHDRAWAL AND RESERVATION.

(a) GENERAL TERMINATION DATE.—The withdrawal and reservation of lands by section 3011 [shall terminate 25 years after November 6, 2001, except as otherwise provided in this subtitle and except for the withdrawals provided for under subsections (a) and (b) of section 3011 which shall terminate 20 years after November 6, 2001.] *shall not terminate other than by an election and determination of the Secretary of the military department concerned or until such time as the Secretary of the Interior can permanently transfer administrative jurisdiction of the lands withdrawn and reserved by this Act to the Secretary of the military department concerned.*

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[SEC. 3016. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

[(a) IN GENERAL.—Not later than three years before the termination date of the initial withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned shall notify Congress and the Secretary of the Interior concerning whether the military department will have a continuing military need after such termination date for all or any portion of such lands.

[(b) DUTIES REGARDING CONTINUING MILITARY NEED.—

[(1) IN GENERAL.—If the Secretary of the military department concerned determines that there will be a continuing military need for any lands withdrawn by this subtitle, the Secretary of the military department concerned shall—

[(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such lands; and

[(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such lands.

[(2) APPLICATION FOR EXTENSION.—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension under paragraph (1) shall be considered complete if the application includes the following:

[(A) The information required by section 3 of the Engle Act (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and to the extent, the Secretary of the military department concerned proposes to use or develop such resources during the period of extension.

[(B) A copy of the most recent report prepared in accordance with the Sikes Act (16 U.S.C. 670 et seq.).

[(c) LEGISLATIVE PROPOSALS.—The Secretary of the Interior and the Secretary of the military department concerned shall ensure that any legislative proposal for the extension of the withdrawal and reservation of lands under this subtitle is submitted to Congress not later than May 1 of the year preceding the year in which the withdrawal and reservation of such lands would otherwise terminate under this subtitle.

[(d) NOTICE OF INTENT REGARDING RELINQUISHMENT.—If during the period of the withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned decides to relinquish all or any of the lands withdrawn and reserved by section 3011, such Secretary shall transmit a notice of intent to relinquish such lands to the Secretary of the Interior.】

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DISSENTING VIEWS

H.R. 4253 Amends the Military Lands Withdrawal Act of 1999 to make permanent the current withdrawal and reservation of public land for military purposes in Alaska, Nevada and New Mexico unless otherwise determined by the Secretary of the military department concerned, or until the Secretary of the Interior can permanently transfer administrative jurisdiction of the lands to the Department of Defense. The legislation will circumvent the established process which allows for public land managers to ensure that the land serves the needs of the broader American public and meets all environmental review requirements under law.

Although we believe in the military mission and the withdrawal of the specific lands specified in H.R. 4253 for their current purpose, the periodic review process is critical to ensure multiple-use of the lands by providing a regular opportunity for the military branches to evaluate current use and to coordinate with the land managers on resource management for the eventual return of the land to the public domain. Specifically, to evaluate: wildfire suppression planning; hunting activities; recreation; grazing; mineral leasing; and access and protection of cultural sites important to Native Americans. All of which occur on the specified lands.

Furthermore, H.R. 4253 is duplicative. Under current law, the Secretary of the Interior has the authority to permanently transfer administrative jurisdiction of the lands to the Department of Defense as outlined in the bill.

H.R. 4253 is unnecessary and a feeble attempt to prioritize a specific use over multiple-use of the land over the long-term. The current periodic review process is critically important and must remain intact.

PETER A. DEFazio,
*Ranking Member, Committee
on Natural Resources.*

RAÚL M. GRIJALVA,
*Ranking Member, Subcommittee on Public Lands
and Environmental Regulation.*

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